

Service Date: August 31, 2004

DEPARTMENT OF PUBLIC SERVICE REGULATION
BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MONTANA

IN THE MATTER OF the Application of)	UTILITY DIVISION
NorthWestern Energy for Approval of)	
Agreement for Sale and Purchase of Capacity)	DOCKET NO. D2004.3.45
and Energy between NorthWestern Energy)	ORDER NO. 6557b
and Basin Creek Equity Partners, LLC)	

AMENDED PROTECTIVE ORDER

On May 17, 2004 the Commission issued Protective Order No. 6557a in this docket, covering information identified in that Order. On August 16, 2004 NorthWestern Energy (NWE) filed a Motion for Protective Order Amendment to treat as confidential information the Operating and Maintenance Agreement (O&M Agreement) between Basin Creek and Caterpillar. At the hearing in this docket, on July 21, 2004, the Montana Consumer Counsel recommended that the Commission obtain and review the O&M Agreement as part of its consideration of the NWE Application

The Commission determines that NWE has shown good and sufficient cause in fact and law that the identified information for which protection is requested is entitled to protection from public disclosure pursuant to § 69-3-105, MCA. Therefore, the Commission grants NWE's Application and orders that the information to be protected, the O&M Agreement as identified in the NWE Motion and Affidavit of Patrick R. Corcoran, be treated as "confidential information" under the terms of this Order and Commission protective order rules, ARM 38.2.5001-5030.

The Commission is presently considering necessary changes, if any, to its protective order process as a result of litigation. All protective orders issued until the question of changes has been resolved are subject to modification. Providers will be notified and provided an opportunity to respond in the event modification of this protective order is required.

Done and dated this 24th day of August, 2004, by a vote of 4-0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

TOM SCHNEIDER, Vice-Chairman

MATT BRAINARD, Commissioner

GREG JERGESON, Commissioner, Voting to Dissent

JAY STOVALL, Commissioner

ATTEST:

Connie Jones
Commission Secretary

(SEAL)

NOTE: There is no reconsideration of the granting of a protective order. There is a procedure to challenge the provider's claim of confidentiality. See ARM 38.2.5008. Reconsideration of a denial of a protective order is available in accordance with ARM 38.2.4806.

Montana Public Service Commission
Protective Orders and Protection of Confidential Information

Nondisclosure Agreement

(7-26-00)

ARM 38.2.5012

Docket No., D2004.3.45 Order No. 6557b
Order Action Date: August 24, 2004

I understand that in my capacity as counsel or expert witness for a party to this proceeding before the commission, or as a person otherwise lawfully so entitled, I may be called upon to access, review, and analyze information which is protected as confidential information. I have reviewed ARM 38.2.5001 through 38.2.5030 (commission rules applicable to protection of confidential information) and protective orders governing the protected information that I am entitled to receive. I fully understand, and agree to comply with and be bound by, the terms and conditions thereof. I will neither use nor disclose confidential information except for lawful purposes in accordance with the governing protective order and ARM 38.2.5001 through 38.2.5030 so long as such information remains protected.

I understand that this nondisclosure agreement may be copied and distributed to any person having an interest in it and that it may be retained at the offices of the provider, commission, consumer counsel, any party and may be further and freely distributed.

Typed or Printed Name

Signature

Date of Signature

Business Address:

Employer

Party Represented